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A PROFESSIONAL CORPORATION
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET METAL)	NO. <u>C 06 7157 MHP (MEJ)</u>
WORKERS PENSION TRUST OF NORTHERN)	
CALIFORNIA, ANTHONY ASHER, TRUSTEE,)	
Plaintiffs,)	<u>JUDGMENT PURSUANT TO</u>
vs.)	<u>STIPULATION</u>
PREM-AIR, INCORPORATED, etc.)	
Defendant.)	

It appearing that Plaintiffs BOARD OF TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; ANTHONY ASHER, TRUSTEE, and defendant, PREM-AIR, a corporation formerly doing business as PREM-AIR, INC., have and entered into a stipulation which provides for judgment against Defendant in the amount of \$12,445.00,

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiffs BOARD OF TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; ANTHONY ASHER, TRUSTEE,

1 have and recover judgment against defendant, PREM-AIR, a corporation
2 formerly doing business as PREM-AIR, INC., in the amount of \$12,445.00,
3 which is composed of the following:

4 a. Contribution balances due and unpaid to Plaintiff Trust
5 Funds for the period January 1, 2001 through December 31, 2005 in the
6 amount of \$12,455.00;

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8 IT IS FURTHER ORDERED AND ADJUDGED that judgment shall not
9 be entered, and an abstract of judgment will not be recorded so long
10 as defendant fully complies with the following conditions:

11 1. Defendant shall make payments of all ongoing amounts
12 to become due to the SHEET METAL WORKERS OF NORTHERN CALIFORNIA TRUST
13 FUNDS pursuant to contract and the Owner/Member subscription agreement
14 between defendant and Local Union 104 of the Sheet Metal Workers'
15 International Association for hours worked, commencing with payment
16 for October 2008 and continuing until the contractual relationship
17 with Local 104 ends. Each of said payments will be made by check
18 payable to SHEET METAL WORKERS TRUST FUNDS and sent to the
19 administrator Associated Third Party Administrators, 1640 South Loop
20 Road, Alameda, CA 94502.

21 2. Defendant shall pay the amount of the contributions in
22 the amount of \$12,455.00, in monthly installment payments of \$691.94.
23 The first installment is due January 25, 2009 and each subsequent
24 installment shall be paid on the 25th of each moth thereafter until
25 the amount due in paragraph a has been paid. Said installment
26 payments will be made by check payable to the SHEET METAL WORKERS
27 TRUST FUNDS and sent to the collection attorney, ERSKINE & TULLEY, 220
28 Montgomery Street, Suite 303, San Francisco, California 94104,

1 Attention: Michael Carroll.

2 3. Plaintiffs and Defendant each understand and agree that
3 any modification of payments must be made in writing and agreed to by
4 both the Plaintiffs and the Defendant.

5 IT IS FURTHER ORDERED AND ADJUDGED that upon failure of the
6 Defendant to make any of their monthly contribution payments pursuant
7 to the owner/member agreement or the collective bargaining agreement
8 as set forth in paragraph 1 above, and the monthly installment
9 payments in a timely manner as required pursuant to the terms of
10 paragraphs 2 of this stipulation, entry of judgment and execution on
11 the entire judgment in the amount of \$12,455.00 reduced by any offsets
12 for payments made, shall issue only after ten (10) days written notice
13 to the Defendant and Defendants' attorney that Plaintiffs or
14 Plaintiffs' attorney declares a default and intends to file a
15 Declaration stating that a default has occurred on the part of the
16 defendant. Defendant waives notice of any hearing held by the court
17 upon the entry of judgment or Plaintiffs' declaration.

18 Dated: June 8, 2009

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21 Honorable Maria-Elena James
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